REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to non-final Office Action dated August 18, 2010, hereinafter "Office Action." In that Office Action, claims 33-39, 41, 44-46 and 49-55 were examined and all claims were rejected. Specifically, claims 33-38, 41, 44-46 and 49-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney (U.S. Pat. No. 6,487,584; hereinafter "Bunney") and further in view of Armstrong et al. (U.S. Pat. No. 7,373,428; hereinafter "Armstrong"). Claims 39 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney and Armstrong in view of Aravamudan et al. (U.S. Pat. No. 6,301,609; hereinafter "Aravamudan").

Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. In this Amendment, claims 33-35, 38, 41, 46, 49-51, and 54 have been amended, no claims have been canceled, and no claims have been added. Therefore, claims 33-39, 41, 44-46 and 49-55 remain present for examination.

Applicants submit that the claim amendments are supported throughout the specification, and in the claims as originally filed, and do not introduce new matter. For instance, the amendments are supported by at least the following sections of the Specification, as filed: p. 17, line 15 – p. 20, line 13.

Applicants thank Examiner Jacobs for her time and cooperation in the telephonic interview held on January 7, 2011, with Applicant's representatives, Timothy Scull, Rene Pereyra and David St. John-Larkin. During the interview, Examiner and Applicant's representatives discuss proposed claim amendments. No agreement was reached. The Examiner believes the amendments may overcome the cited references, but may need to perform an updated search once a reply is received. Applicants again thank Examiner Jacobs for her time in the telephonic interview.

Claim Rejections Under § 103(a)

Claims 33-38, 41, 44-46, and 49-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney and further in view of Armstrong. Claims 39 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney and Armstrong in view of Aravamudan. Applicants respectfully traverse the § 103(a) rejections because either the Examiner failed to state a *prima facie* case of obviousness or the current amendments to the claims now render the Examiner's arguments moot. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the references must teach or suggest all of the claimed limitations to one of ordinary skill in the art at the time the invention was made. M.P.E.P §§ 2142, 2143.03; *In re Royka*, 490 F.2d 981, 985 (C.C.P.A. 1974); *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970). Applicants submit that Bunney fails to teach or suggest all of the claimed limitations and the combination of Armstrong and Aravamudan fail to compensate for the deficiencies of Bunney.

As discussed in the previous Office Action response, Bunney relates to a "multiple personality" internet account system and discloses a solution to a problem occurring when a user is logged-in with one of several addresses (e.g. logged into one of a plurality of email accounts) and the user is not logged in using other addresses. (*Id.*) Specifically, Bunney teaches that a server intelligently (*e.g.*, using a lookup-table) notifies the user at the account where the user is logged-in when, for example, the user receives an email at an account where the user is not logged-in. (*Id.*) Bunny also teaches that a logged-in user may have one of four statuses: available, invisible, away, or busy. (*Id.*) More specifically, the "invisible" status does not permit other users to know anything about the user's online or offline status. (*Id.*) Finally, Bunney discloses that a user may place a "do not disturb" sign (e.g. a flash) on any of the user's addresses. The server will notify the user at any of the addresses that include the "do not disturb" sign.

Armstrong relates to a "multiple access network" system that discloses a solution to the problem occurring when communications are sent to a user over a multiple access network and the user may be reached from multiple devices attached to the multiple access network. (Armstrong, col. 2, line 41 -- col. 3, line 22.) Specifically, Armstrong teaches a customized rule

system that permits a user (the "watched party") to determine whether and to what extent the watched party may be reached using the multiple access network. In particular, Armstrong provides a series of rules based, *inter alia*, upon "non-communication-related events" or "cooked event triggers" that are provided from a third party service. (Armstrong, col. 11, line 10 -- line 33.) The series of rules provided by Armstrong permit a "PCP" or "single point of presence for a watched party" to evaluate, *inter alia*, whether a watched party is available for contact. (Armstrong, col. 4, line 64 – col. 5, line 24.) To aid in the determination about whether a watched party is available, Armstrong provides a "context presence" (see, e.g., Armstrong, col. 12, lines 7-51, col. 17, lines 4-17), which is an abstract state for each watched party that is "used to determine which context applies for a given watched party at a particular time." (Armstrong, *id.*) Notably, Armstrong requires that a "context presence" state be *derived from a watched party's raw presence according to rules defined for that a [sic] watched party.*" (Armstrong, col. 12, lines 42-45.) (emphasis added) More specifically, Armstrong requires watched parties themselves to define these "rules," or to define what Armstrong otherwise refers to as "personal information:"

> Each watched party 13 initially registers with the PCP 10 and is given a unique presence management identifier. *During the registration process each watched party 13 enters personal information which is recorded in storage 14 in the PCP 10.* For example, *this information may include the watched party's email address, telephone number, and/or other contact details. Context information may also be included, such as information about whether the watched party 13 is a home worker or a mobile worker. Details about the watched party's preferences may also be recorded, such as which modes of communication are preferred at which times* (e.g., email messages may be permitted at any time, while telephone calls may only be preferred during work hours) *or which modes get priority, etc. Some of this information may be stored in the form of rules 15 within the PCP 10.* (Armstrong, col. 6, line 21 – line 38.) (emphasis added)

As yet further evidence of the "rules" disclosed by Armstrong:

> The watched party could enter destination address information for each communication network into the system. Thus, when the watching party attempts to contact the watched party *the system could route the communication based upon the information entered by the watched party* and the availability of the watched party on a particular communication network. If the watched party is simultaneously available on more than one communication network, *the system could route the communication based upon a default hierarchy of communication network preferences or based upon a watched party determined hierarchy.* Such a configuration enables the watched party to change one or

more destination addresses without the need to disseminate the changed information to all possible watching parties. In another aspect of the invention, *the watched party may set up rules about* who may contact the watched party, at what times, how often, how often during particular times, *in what mode of communication a particular watching party may contact the watched party, etc.* (Armstrong, col. 4, line 8 – line 22.) (emphasis added)

Notably, Armstrong thus provides no disclosure or teaching disclosing the priority resolution process disclosed by the present application for resolving otherwise conflicting status updates supplied by devices associated with a user. Instead, Armstrong discloses rules and personal information that supply routing preferences that may be custom-defined by a user.

Aravamudan relates to a "unified messaging solution and services platform . . . by utilizing the features and capabilities associated with instant messaging to locate a registered user, query the user for a proposed message disposition, and coordinate services among a plurality of communication devices." (Aravamudan, Abstract.) Specifically, Aravamudan discloses a prioritized buddy system wherein a buddy assigned a high priority and an active status "will be notified via the IM server of the user's 'real presence' when the user accesses the network via any of his provisioned CPE." (*Id.*, col. 10, lines 2-6.) Alternately, if a buddy is assigned a low priority, the buddy will "always discern the presence of a user's proxy . . . however, will not be able to determine the 'real presence.'" (*Id.*, lines 22-25.) That is, a low priority buddy will always view the proxy "whether or not the user is online or off-line." (*Id.*, lines 25-26.) Thus, "[i]n essence, the CSP[(Communication Services Platform)] acts as a privacy filter to those buddies and sources that the user has classified as low priority." (*Id.*, lines 32-34.)

Claim 33

Independent claim 33, as amended, recites, *inter alia*:

populating a master view with the accurate presence information for the user, wherein the master view reflects the accurate presence information to a plurality of subscribers of the user within a messaging group;

subsequent to receiving the first client status identifier and the second client status identifier, receiving a third client status identifier from the first client device, wherein the third client status identifier is one of the plurality of client status identifiers and is different from the first client status identifier and the second client status identifier;

populating the first client view with the third client status identifier;

determining that the third client status identifier indicates inaccurate presence information for the user by determining that the third client status identifier has a lower priority level than the second client status identifier based upon a comparison of the third client status identifier to the second client status identifier; and

maintaining the accurate presence information within the master view.

Bunney fails to teach or suggest, at least, "determining that the third client status identifier indicates inaccurate presence information for the user by determining that the third client status identifier has a lower priority level than the second client status identifier based upon a comparison of the third client status identifier to the second client status identifier; and ignoring the inaccurate presence information of the third client status identifier and maintaining the accurate presence information comprised within the master view that is reflected to the plurality of subscribers of the user within the messaging group," as recited in independent claim 33, as amended. Bunney additionally fails to disclose "populating a master view with the accurate presence information for the user, wherein the master view reflects the accurate presence information to a plurality of subscribers of the user within a messaging group; subsequent to receiving the first client status identifier and the second client status identifier, receiving a third client status identifier from the first client device, wherein the third client status identifier is one of the plurality of client status identifiers and is different from the first client status identifier and the second client status identifier; [and] populating the first client view with the third client status identifier," as further recited in independent claim 33, as amended. Regarding the previously pending claims, this deficiency was admitted to in the previous Office Action. (See Office Action, pp. 3-4). Instead, the Office Action relied on Armstrong to disclose these elements (before amendment). Specifically, the Office Action states that "Armstrong teaches the use of a hierarchy for contacting a watched party if the party is simultaneously available on more than one communication network, context presence according to rules, the use of various context presence values, and the ordering of raw presence data." (See Office Action, p. 4, citations omitted.)

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As discussed above, however, Armstrong discloses a customized rule system that permits a user (the "watched party") to determine whether and to what extent the watched party desires to be reached using the multiple access network. Specifically, Armstrong discloses that the watched party defines a "context presence" that consists of personal information and details about how the watched party desires to be reached over a multiple access network.

The present application, on the other hand, provides a solution to a problem that is altogether unrelated to the rule system customized by a watched party in Armstrong. Instead of customizing response parameters based upon the personal information supplied by a watched party, the present application addresses the problem encountered when a "user is logged onto more than one client or device" and "various clients can believe that the user has a different state or status, [and] the clients are effectively battling each other to update the user's status that is reflected to the subscribers." (Specification, as filed, p.4, lines 3-9). More specifically, as recited in independent claim 33, the present application supplies an answer to this problem by, *inter alia*, "prioritizing a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is ordered from a lowest priority level to a highest priority level." Upon receiving a client status identifier (e.g., the "third client status identifier"), claim 33, as amended, of the present application recites determining that "the third client status identifier indicates the inaccurate presence information for the user when the third client status identifier has a lower priority level than [a] second client status identifier based upon a comparison of the third client status identifier to the second client status identifier." The present application is thus directed to determining the accuracy of otherwise conflicting status updates provided by client devices (e.g., where one client device reports an "online" client status identifier and a second client device reports an "offline" client status identifier). Armstrong fails to disclose the prioritization and status update resolution process and system of the present application. Notably, Armstrong's disclosure of a system for responding to status updates is based upon the personal information supplied by a watched party and makes no mention of, let alone teaches or discloses, the status update problem (nor its solution) that is presented when a user is logged onto more than one client device and the client devices provide otherwise conflicting status update messages.

For at least these reasons, Bunney fails to teach or suggest all of the elements of independent claim 33, as amended, and Armstrong fails to compensate for Bunney's

deficiencies. Applicant respectfully requests a withdrawal of the rejection for independent claim 33, as amended, and its dependent claims 34-39, and an issuance of a notice of allowance at the Examiner's earliest convenience.

Claims 41 and 49

Claims 41 and 49 recite, *inter alia*:

> populating a master view with the accurate presence information, wherein the master view reflects the accurate presence information to a plurality of subscribers of the user within a messaging group;

> subsequent to receiving the first client status identifier and the second client status identifier, receiving a third client status identifier from the first client device, wherein the third client status identifier is one of the plurality of client status identifiers and is different from the first client status identifier and the second client status identifier;

> populating the first client view with the third client status identifier;

> determining inaccurate presence information for the user by determining that the third client status identifier has a lower priority level than the second client status identifier based on the prioritized plurality of client status identifiers; and

> maintaining the accurate presence information within the master view.

The recited elements of independent claims 41 and 49, as amended, are similar to the recited elements of independent claim 33, as amended. For at least similar reasons as independent claim 33, as amended, Bunney fails to teach or suggest all the elements of independent claims 41 and 49, as amended, and Armstrong fails to compensate for Bunney's deficiencies. Applicant respectfully requests a withdrawal of the rejection for independent claims 41 and 49, as amended, and their dependent claims 44-46 and 49-55, and an issuance of a notice of allowance at the Examiner's earliest convenience.

Claims 39 and 55

Dependent claims 39 and 55 recite, *inter alia*:

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wherein the first client status identifier is an "online" client status identifier, the second client status identifier is an "online" client status identifier, the third client status identifier is either an "idle" or "offline" client status identifier, and the master view indicates the accurate presence information as "online" for the user.

In addition to the discussion above with respect to underlying independent claims 33 and 49, Bunney and Armstrong also together fail to teach or suggest, at least "wherein the first client status identifier is an "online" client status identifier, the second client status identifier is an "online" client status identifier, the third client status identifier is either an "idle" or "offline" client status identifier, and the master view indicates the accurate presence information as "online" for the user," as recited in dependent claims 39 and 55. Bunney and Armstrong specifically fail to disclose "the master view indicat[ing] the accurate presence information as 'online'" where "the third client status identifier is either an 'idle' or 'offline' client status identifier." With respect to claims 39 and 55, prior to amendment, this deficiency was admitted to in the previous Office Action. (See Office Action, p. 8). Instead, the Office Action relied on Aravamudan to disclose this element. As discussed above, Aravamudan discloses a unified messaging system that provides, *inter alia*, a privacy filter for an instant-messaging client (i.e., a user) to establish whether the user's buddies are able "to discern the presence of the user's proxy" by filtering on a priority value assigned to each buddy. (Aravamudan, col. 10, line 23.) Notably, Aravamudan fails to disclose the prioritization and status update resolution process and system of the present application. As discussed earlier, the present application handles the status update problem presented when a user is logged onto more than one client device and the client devices provide otherwise conflicting status update messages. Instead of disclosing the prioritization and status update resolution process and system of the present application, Aravamudan discloses a privacy filter that solely restricts access to view a user's presence state (identified within Aravamudan as a user's "real presence"). Specifically, Aravamudan recites:

Advantageously, by providing means to assign a buddy priority to individual buddies or groups of buddies, the user maintains control of his privacy with respect to his online location, presence, and activities. For example, a buddy may be assigned a high priority by the user, in accordance with step 332. In accordance with step 334, a buddy who is assigned a high priority and who has at least one piece of provisioned CPE that is online and active, will be notified via the IM server of the user's "real presence" when the user accesses the network via any of his provisioned CPE. This notification is similar to that

currently provided by service providers within buddy groups. That is, when the user is online in accordance with step 336, all others who have identified the user as a buddy are notified of the user's presence, per step 340. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. (Aravamudan, col. 9, line 64 – col. 10, line 15.)

In another embodiment, Aravamudan recites further:

However, an embodiment of the present invention expands the concept of buddy notifications. For example, the user may define a buddy as a low priority buddy. In accordance with step 342, the Communication Services Platform (CSP) accesses its database to determine the assigned priority. In accordance with step 344, if the buddy has been assigned a low priority by the user, then the buddy will be always discern the presence of a user's proxy. The buddy, however, will not be able to determine the "real presence." That is, the proxy will always appear available to the buddy, whether or not the user is online or off-line. The buddy may communicate and interact via the user's proxy residing in the CSP database. In accordance with step 346, the user defined rule base residing in the CSP determines how to process the received data or communication and how and when to notify the user of the received data or communication. In essence, the CSP acts as a privacy filter to those buddies and sources that the user has classified as low priority. The user may define varying rules for CSP treatment depending on whether the user is online or off-line, or depending upon the type of data or communication received. (Aravamudan, col. 10, lines 16-34.)

In both cases (cited above), Aravamudan fails to disclose the prioritization and status update resolution process and system of the present application, and specifically fails to teach or disclose resolving otherwise conflicting status messages that are received from more than one client device registered to an individual user. Instead, Aravamudan merely discloses prioritizing the buddies of a user and filtering what (if any) buddies can view the user's presence information based upon an evaluation of each buddy's priority. Thus, in consideration of the discussion above with respect to underlying independent claims 33 and 49, Bunney and Armstrong also together fail to teach or suggest all the elements of dependent claims 39 and 55 and Aravamudan fails to compensate for Bunney's and Armstrong's deficiencies. Applicant respectfully requests a withdrawal of the rejection for dependent claims 39 and 55, and an issuance of a notice of allowance at the Examiner's earliest convenience.
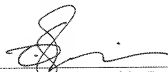
CONCLUSION

This Amendment fully responds to the Office Action mailed on August 18, 2010. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the references of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

This Amendment is filed concurrently with a Petition for Extension of Time. It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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David C. St. John-Larkin, Reg. No. 56,924

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
303.357.1643

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PATENT TRADEMARK OFFICE

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